

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

LATONIA SMITH,

Defendant.

Case No. 2:19-cr-00304-RFB-NJK

ORDER

Based upon the record in this case, including the various filings of Ms. Smith, the Court finds there is a basis to order a competency evaluation of Defendant Latonia Smith pursuant to 18 U.S.C. § 4241. The Court finds that there is sufficient basis to question whether Defendant Latonia Smith can adequately and competently understand the criminal proceedings and whether she can adequately and competently assist her attorney in defending against or resolving the violations that have been alleged against her.

IT IS THEREFORE ORDERED:

1. In accordance with 18 U.S.C. §§ 4241 and 4247 the Defendant is remanded into the custody of the Attorney General for the purpose of completing a competency evaluation. The Court authorizes, if necessary, the United States Marshals Service to transport Defendant Latonia Smith to a suitable Bureau of Prisons (“BOP”) facility that conducts psychological evaluations closest to the Court, for a psychiatric or psychological evaluation to determine whether the Defendant is presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense; and

2. The Defendant shall be held in a BOP facility for a reasonable period of time, not to exceed thirty days, unless extended by further order of the Court upon a showing of good cause

1 by the director of the facility that the additional time is necessary to observe and evaluate
2 Defendant, or by appropriate motion, for a period of up to fifteen additional days. 18 U.S.C. §
3 4247(b). If the Attorney General and the Bureau of Prisons determine that the current setting where
4 Defendant is being detained is suitable for her to participate in the evaluation, that evaluation can
5 take place where she is currently detained.

6 3. The examination conducted pursuant to this order shall be conducted by one
7 or more licensed or certified psychiatrists or clinical psychologists. 18 U.S.C. § 4247(b).

8 4. A psychiatric or psychological report shall be prepared by the examiner
9 designated to conduct the psychiatric or psychological examination. The person designated
10 to conduct the psychiatric or psychological examination shall file the report, under seal, with
11 the Court by **September 5, 2020**.

12 5. The report shall include:
13 a. The Defendant's history and present symptoms;
14 b. A description of the psychiatric, psychological or medical
15 tests that were employed and their results;
16 c. The examiner's findings; and
17 d. The examiner's opinions concerning whether the Defendant is
18 suffering from a mental disease or defect rendering her mentally incompetent to the extent
19 that she is unable to understand the nature and consequences of the proceedings against
20 her, or to assist properly in her defense.

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22 **IT IS SO ORDERED.**

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24 **DATED:** August 10, 2020.



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26 **RICHARD F. BOULWARE, II**
27 **UNITED STATES DISTRICT JUDGE**
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